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POLITICS & PEOPLE

By AL HUNT



## No Safe Haven

I've never met Linda Lingle, the governor of Hawaii, but I'm a fan.

Recently she vetoed legislation to provide safe havens for newborns so they wouldn't be left to die by mothers unwilling or unable to provide for them. There are thousands of abandoned babies, and many of them have died before being found; any system where these infants could be left at designated venues -- like hospitals, police or fire stations -- could save lives.



Linda Lingle

Over the past four years, 45 governors have agreed, starting with George W. Bush in Texas. Who's against protecting innocent newborns? Gov. Lingle recalls initially she had "positive" views about this legislation, generally dubbed "Baby Moses" laws: "If it saves just one life, it will be a good law," she thought.

However, after research and "lively discussion," she reached a different conclusion: "Any good that might be accomplished by this bill is likely to be outweighed by the harm that it would cause," she stated in her veto message.

These safe-haven laws are a classic illustration of two phenomena: well-intended public policy with unintended consequences and the almost irresistible appeal of an attractive label; it's very hard to vote against a measure with "reform" attached to it or, in one of the more egregious cases after Sept. 11, against anything called the Patriot Act.

Similarly, the safe-haven laws are attractively titled, but in reality pretend abandoned babies can be treated like library books or mail-order catalogue merchandise. That comes through in a comprehensive study earlier this year by the Evan B. Donaldson Adoption Institute, the premier research organization on adoption issues. The premise of these measures -- that newborns are abandoned because there's no alternative -- was flawed, based on flimsy research. Instead, the institute found that most of these mothers, usually unwed teens, "are so distraught or in denial that they act in panic rather than with the thoughtfulness required to take a newborn to a designated site."

Moreover, Adam Pertman, the executive director of the Donaldson Adoption Institute, (established in memory of the widow of Securities and Exchange Commission Chief Bill Donaldson; they were adoptive parents) notes they send the wrong message to young expectant mothers: that they have three options: a) you can parent your child, b) put your child up for adoption, or c) abandon your child. These laws, Mr. Pertman believes, actually promote abandonment.

Even that arguably might be defensible if it saved lives and there were no other negative effects. But the Donaldson study -- which formed the basis for some of Gov. Lingle's conclusions -- demonstrably shows they don't work well, and there are alarming byproducts.

The dozens of safe-haven laws vary (some offer immunity from prosecution, others just make it harder), but a number of states allow virtually anyone to drop off newborns at the designated spots. A disgruntled relative can force or pressure a mother to abandon her child. And these laws often deprive biological fathers of any rights even if they wanted to raise the child, at the very time we insist fathers bear more responsibility for their children. Most of these officially abandoned kids will not have access to their family-health records, denying them genealogical history and genetic proclivities that can be vitally important.

Moreover, most of these kids never will have the opportunity to locate their biological parents. One of the healthier developments in adoption is a move to more transparency, so if biological parents and adoptive kids want to meet someday, they can. Some don't; many do. (As the father of a 14-year-old adopted daughter, I also know that can change depending on the day of the week.)

These complications have played a role in rendering the safe-haven laws largely ineffective. There have been multiple reports of adoption delays of abandoned babies because courts worried their biological fathers hadn't received due process.

In a devastating critique of the Texas law last year, the Houston Press, an alternative weekly magazine, reported that the nation's first safe-haven law has been a failure. In the first two years, only five infants were legally abandoned, while almost a hundred newborns were illegally discarded in the state.

Proponents say all that suggests is that more education or publicity is necessary. But in New Jersey, an infant was abandoned right next to a billboard advertising that state's safe haven law, and other mothers subsequently admitted that the law had no impact on their decision to abandon a child.

Rather, as the Houston Press's Wendy Grossman reports, strong anecdotal experience suggests that a convenient place to leave a baby is not something an unwilling mother is thinking about. Twyana Davis, a college student, acknowledged that she had abandoned her infant in a dumpster behind her dorm, though she anonymously alerted campus police. She said the safe-haven law requires both "premeditation and the presence of mind" that she lacked. "The law doesn't work," Ms. Davis says. "It doesn't deal with the problem -- it's just another way of legalizing abandonment."

Ms. Davis has started a non-profit called "2nd Chance at Life" that tries to prevent abandonment by offering classes, prenatal care and educating young girls as to the need to make better decisions. Some surveys, for example, show that fewer than one-in-six pregnant teenagers know how to pursue adoption.

That gets to what may be the biggest problem with safe-haven laws; they are an easy and cheap cop-out. More confidential counseling for at-risk pregnant teens about parenting, prenatal care and adoption, including fathers, is a much more effective longer-term solution and it's more sensitive to the needs of both parents and child. That's what Gov. Lingle learned when she took the time to study the issue.

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## **ABOUT AL HUNT**

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Albert R. Hunt is executive Washington editor for The Wall Street Journal. His responsibilities include helping to set direction and priorities for the Journal's Washington news coverage, writing the weekly editorial page column, "Politics & People," and directing the paper's political polls. He has worked for the Journal since 1965 in New York, Boston and Washington.

Mr. Hunt was a panelist on Public Broadcasting Service's "Washington Week in Review" for seven years and served as a political analyst on the "CBS Morning News" in 1984. He has been a member of Cable News Network's "The Capital Gang" since its inception in 1988, and he is one of the hosts of the CNN interview show "Evans, Novak, Hunt & Shields." He is also a periodic panelist on the National Broadcasting Co.'s "Meet the Press."

Born in Charlottesville, Va., Mr. Hunt graduated from Wake Forest University in Winston-Salem, N.C. with a bachelor's degree in political science. He and his wife, CNN anchor Judy Woodruff, have three children and live in Washington.

Mr. Hunt invites comments to [al.hunt@wsj.com](mailto:al.hunt@wsj.com)<sup>1</sup>.